

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HEMANT MEHTA, on behalf of himself and all others similarly situated,

Plaintiff,

v.

CADBURY SCHWEPPES SBS, INC.,  
SNAPPLE BEVERAGE CORPORATION,  
SNAPPLE DISTRIBUTORS, INC., and JOHN  
DOEs 1-50 (representing one or more persons or  
entities involved in the manufacture, sale and/or  
distribution of the products identified herein but  
whose identity is currently unknown),

Defendants.

Civil Action No. 07-CIV-6262 (LMM)

**NOTICE OF MOTION TO DISMISS  
PLAINTIFF'S COMPLAINT**

**ORAL ARGUMENT REQUESTED**

PLEASE TAKE NOTICE that upon the Memorandum of Law in Support of Defendants Cadbury Schweppes SBS, Inc. (an improperly named defendant as it is not responsible for the manufacturing or marketing of Snapple products), Snapple Distributors, Inc. (an improperly named defendant as it is not responsible for the manufacturing or marketing of Snapple products), and Snapple Beverage Corporation's Motion to Dismiss, the undersigned will move this Court, before The Honorable Lawrence M. McKenna, United States District Judge for the Southern District of New York, at the United States Courthouse, 500 Pearl Street, New York, New York, on a date designated by the Court, for an order dismissing Plaintiff's Complaint in its entirety with prejudice, and granting such other relief as this Court may deem just and proper.

**BAKER BOTTS L.L.P.**

Dated: August 29, 2007

/s/ Seth T. Taube

Seth T. Taube (ST 6088)  
30 Rockefeller Plaza  
New York, New York 10112  
Tel: (212) 408-2500  
Fax: (212) 408-2501

Van H. Beckwith (to be admitted *pro hac vice*)  
Allyson N. Ho (to be admitted *pro hac vice*)  
Baker Botts, L.L.P.  
2001 Ross Avenue  
Dallas, Texas 75210  
Tel: (214) 953-6500  
Fax: (214) 953-6503

*Attorneys for Defendants*

**CERTIFICATION OF SERVICE**

I, Maureen P. Reid, hereby certify that on this 29th day of August, 2007, a true and correct copy of Defendants' Notice of Motion to Dismiss, Memorandum in Support of Motion to Dismiss (and attached exhibits), and proposed Order were served via electronic filing and regular first class mail, postage prepaid, upon the following counsel of record:

Krishnan S. Chittur, Esq.  
**Chittur & Associates, P.C.**  
286 Madison Avenue, Suite 1100  
New York, New York 10017

Philip A. Tortoreti, Esq.  
**Tortoreti Tomes & Callahan**  
150 B. Tices Lane  
East Brunswick, New Jersey 08816

Michael Halbfish, Esq.  
**Tunney & Halbfish, Esqs.**  
245 Main Street  
Woodbridge, New Jersey 07095



---

MAUREEN P. REID